

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

v.

ANGEL KEARNEY,

Defendant.

Case No. 21-cr-838 (BRM)

ORDER

THIS MATTER is before the Court on the Defendant's motions to dismiss the Second Superseding Indictment and for related relief, which motions were filed as follows. The first filing was the Defendant's Motion to Dismiss (ECF No. 300). The second was the Defendant's First Omnibus Motion (ECF No. 387). The third was the Defendant's Supplemental Brief in Support of the First Omnibus Motion (ECF No. 398). Having reviewed the parties' submissions filed in connection with the Motions and having held oral argument on October 9, 2024, for the reasons set forth on the record at oral argument and to be memorialized in a forthcoming Opinion, and for good cause having been shown,

IT IS on this 11th day of October 2024,

ORDERED that the Defendant's Motion to Dismiss (ECF No. 300) is **DENIED AS MOOT**; and it is further

ORDERED that the Defendant's First Omnibus Motion (ECF No. 387) is **DENIED** as follows:

ORDERED that the Defendant's motion to dismiss Count One of the Second Superseding Indictment based on the Government's alleged failure to sufficiently allege a unitary conspiracy is **DENIED**; and it is further

ORDERED that the Defendant's motion seeking judicial review of the grand jury evidence presented in connection with Count One of the Second Superseding Indictment is **DENIED**; and it is further

ORDERED that the Defendant's motion to dismiss Count 42 of the Second Superseding Indictment pursuant to *Range v. Attorney General*, 69 F.4th 96 (3d Cir. 2023) is **DENIED**; and it is further

ORDERED that the motions set forth in the Defendant's Supplemental Brief in Support of the First Omnibus Motion (ECF No. 398) are **DENIED** as follows:

ORDERED that the Defendant's motion to dismiss Count One of the Superseding Indictment for the Government's alleged failure to sufficiently plead the required drug weights is **DENIED**; and it is further

ORDERED that the Defendant's request for access to the grand jury transcript and for a Bill of Particulars is **DENIED**.

The court will supplement the record with a written opinion memorializing the court's oral decision.

/s/Brian R. Martinotti
HON. BRIAN R. MARTINOTTI
UNITED STATES DISTRICT JUDGE